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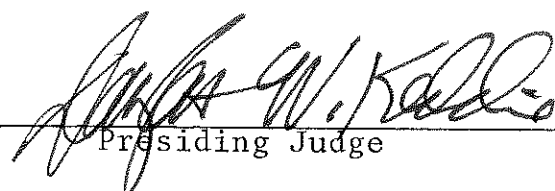
BEVERLY FRAME
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

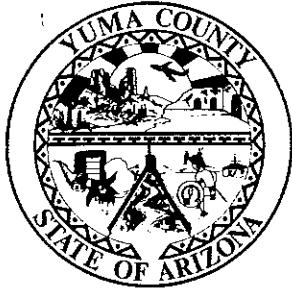
In the Matter of:)
Sexual Harassment Policy) Administrative Order 91-3
of Judicial Merit System.)
_____)

It is ORDERED the Sexual Harassment Policy adopted by the Yuma County Board of Supervisors on December 17, 1990, is adopted as a part of the Judicial Merit System in its entirety, except that "Presiding Judge" is substituted for "Director of Administrative Services" wherever the latter designation appears in that policy.

DATED this 24th day of January, 1991.



Presiding Judge



Yuma County
Yuma, Arizona

DEPARTMENT OF
ADMINISTRATIVE SERVICES
300 W. 2nd Street
Yuma, Arizona 85364
Phone 782-4534

TO: ALL ELECTED OFFICIALS/DEPARTMENT HEADS

FROM: Cherlene R. Rogers, Director
Administrative Services

SUBJECT: SEXUAL HARASSMENT POLICY

DATE: January 17, 1991

On December 17, 1990 the Board of Supervisors adopted a Sexual Harassment policy. A copy of that policy is attached.

This policy will become Chapter XV of the Yuma County Personnel Rules & Regulations and should be reviewed thoroughly and made available to all employees.

As noted in Section 3 of this policy, this Chapter applies to all County personnel and employees.

Please contact me if you have any questions regarding this matter.

lcm

enclosure

SEXUAL HARASSMENT

Section 1. PURPOSE

The purpose of this policy is to clearly establish Yuma County's opposition to and disapproval of any unwanted actions and advances of a sexual nature arising out of the work place situation. It is also the purpose of this policy to establish a procedure for handling complaints, establishing a commitment to investigate complaints, and describing discipline for violation of the policy.

Section 2. DECLARATION OF POLICY

It is improper and against the policy of the County of Yuma for a County employee to ask for or receive sexual favors from another County employee or prospective employee in return for or as a condition of granting County employment, making a promotion, providing job retention, giving a specific job or duty assignment, or any other action relating to County employment.

It is also against policy for employees to conduct themselves in a manner which creates a "hostile working environment," such as unwelcome sexual advances, requests for sexual favors, visual forms of harassment such as cartoons or drawings, physical interference with normal work or movement, such as blocking or following an employee, verbal harassment such as jokes, slurs, derogatory comments, profanity, and obscenity.

Section 3. COVERAGE

To the extent not inconsistent with State or Federal Law, this Chapter applies to all County personnel and employees. Other than as set forth in this Chapter, the provisions of this Chapter are independent of and apply in lieu of any other provision set forth in any other Chapter of the Yuma County Personnel Rules and Regulations including those provisions relating to the disciplinary policy of the Sheriff's Office.

Section 4. DEFINITION OF SEXUAL HARASSMENT

EEOC (Equal Employment Opportunity Commission) Guidelines, Section 1604.11 defines sexual harassment as:

"Harassment on the basis of sex is a violation of Section 703 of Title VII. Unwelcome sexual advances, requests of a sexual nature constitutes sexual harassment when:

- A. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- B. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- C. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

A general definition for sexual harassment is any unwanted and/or unsolicited verbal comment, physical contact, gesture, invitation, proposition, demand or related action of a sexual nature which results in favorable or unfavorable employment decisions or creates an intimidating, hostile or offensive working environment.

Jokes of a sexual nature, sexual teases, and vulgar language could all lead to a charge of creating a hostile work environment which would interfere with an employee's ability to work.

Section 5. PROCEDURES FOR FILING AND HANDLING COMPLAINTS OF SEXUAL HARASSMENT

A. Reporting incidents of Sexual Harassment and Investigations of Complaint

1. All incidents involving sexual harassment should be brought to the attention of the Department Director, Elected Official, or Director of Administrative Services, who will immediately inform the Department Director or Elected Official.

County employees are urged to raise sexual harassment questions promptly so that any situations of this nature may be investigated and resolved as soon as possible.

2. Retaliation in any way against any employee, for raising a sexual harassment charge is prohibited. Any employee or supervisor found guilty of retaliation will be subject to discipline up to and including dismissal from County employment.

B. Investigation Procedure

1. Any employee who believes that he or she has been sexually harassed should present the problem to their immediate supervisor for resolution. If the alleged harasser is the employee's supervisor, then the employee may go directly to the next level of supervision. The supervisor shall notify the Department Director immediately of the complaint.

If the alleged harasser is a Department Director or Elected Official, the employee should present the problem directly to the Director of Administrative Services.

2. When a complaint is received, the following actions will be taken by the supervisory official or Director of Administrative Services.

- a. Once an employee complains of sexual harassment, the supervisor should discuss the matter thoroughly with the complainant.

The discussion should be objective and the employee shall be advised that due to the sensitivity of the complaint, he or she should not discuss it with co-workers or others.

- b. Documentation in written form shall be maintained in a confidential file. Statements of the complaint shall be as specific as possible and are to include:

- * All instances of harassment
- * Who, what, when, where, why
- * Signature of complainant
- * Name of witnesses or persons who have had problems

3. A subsequent meeting shall then be held with the alleged harasser. The investigative official shall explain the complaint and ask for an explanation.

The alleged harasser will be advised of the charges, encouraged to cooperate and be advised of discipline if necessary.

A written statement of the response of the alleged harasser will be prepared.

The alleged harasser should be advised of the confidentiality of this matter and that no retaliation against alleged victim or anyone else will be allowed.

4. Other persons with pertinent information such as witnesses or persons who also have had problems with the alleged harassers should be interviewed.

Signed written statements of all witnesses should be obtained. Any hard evidence should be obtained if possible.

If statements and evidence seem to dispute complainants claim, obtain a written rebuttal from complainant if necessary.

5. The Department Director or Elected Official will submit all relevant written documentation to the Director of Administrative Services. The Director of Administrative Services will work with the Department Director or Elected Official to recommend what remedy is appropriate. Copies of the findings shall be given to the responsible Department Director or Elected Official, the County Administrator, the complainant and part(ies) charged.

If there is evidence to support a finding that sexual harassment has occurred, recommendations will be made by the Department Director or Elected Official for specific remedial action. A review of the recommended action will be made by the Director of Administrative Services and the County Attorney, and such action must receive prior written approval by the County Administrator.

6. Complaints against supervisors up to Department Directors or higher officials shall be handled in the same manner as all other sexual harassment complaints. However, the authority who recommends remedial or disciplinary action will be of equal or higher authority.

SECTION 6. DISCIPLINE

To the extent not inconsistent with the provisions of this Chapter, the Discipline provisions of Chapter XI shall apply.

SECTION 7. GRIEVANCES AND APPEALS

To the extent not inconsistent with the provisions of this Chapter, the Grievances and Appeals provisions set forth in Chapter XII shall apply.